

ESHB 2716 - S AMD 289

By Senator Tom

1 On page 3, after line 25, insert the following:

2

3 "Sec. 2. RCW 81.112.080 and 1992 c 101 s 8 are each amended to
4 read as follows:

5 An authority shall have the following powers in addition to the
6 general powers granted by this chapter:

7 (1) To carry out the planning processes set forth in RCW
8 81.104.100;

9 (2) To acquire by purchase, condemnation, gift, or grant and to
10 lease, construct, add to, improve, replace, repair, maintain, operate,
11 and regulate the use of high capacity transportation facilities and
12 properties within authority boundaries including surface, underground,
13 or overhead railways, tramways, busways, buses, bus sets, entrained
14 and linked buses, ferries, or other means of local transportation
15 except taxis, and including escalators, moving sidewalks, personal
16 rapid transit systems or other people-moving systems, passenger
17 terminal and parking facilities and properties, and such other
18 facilities and properties as may be necessary for passenger,
19 vehicular, and vessel access to and from such people-moving systems,
20 terminal and parking facilities and properties, together with all
21 lands, rights-of-way, property, equipment, and accessories necessary
22 for such high capacity transportation systems. When developing
23 specifications for high capacity transportation system operating
24 equipment, an authority shall take into account efforts to establish
25 or sustain a domestic manufacturing capacity for such equipment. The
26 right of eminent domain shall be exercised by an authority in the same
27 manner and by the same procedure as or may be provided by law for

1 cities of the first class, except insofar as such laws may be
2 inconsistent with the provisions of this chapter. Public transporta-
3 tion facilities and properties which are owned by any city, county,
4 county transportation authority, public transportation benefit area,
5 or metropolitan municipal corporation may be acquired or used by an
6 authority only with the consent of the agency owning such facilities.
7 Such agencies are hereby authorized to convey or lease such facilities
8 to an authority or to contract for their joint use on such terms as
9 may be fixed by agreement between the agency and the authority.

10 The facilities and properties of an authority whose vehicles will
11 operate primarily within the rights-of-way of public streets, roads,
12 or highways, may be acquired, developed, and operated without the
13 corridor and design hearings that are required by *RCW 35.58.273 for
14 mass transit facilities operating on a separate right-of-way;

15 (3) Except as otherwise provided in subsection (4) of this
16 section, to dispose of any real or personal property acquired in
17 connection with any authority function and that is no longer required
18 for the purposes of the authority, in the same manner as provided for
19 cities of the first class. When an authority determines that a
20 facility or any part thereof that has been acquired from any public
21 agency without compensation is no longer required for authority
22 purposes, but is required by the agency from which it was acquired,
23 the authority shall by resolution transfer it to such agency;

24 (4) To dispose of real property that was acquired through
25 condemnation that is no longer necessary for a transportation purpose.
26 If the authority determines that all or a portion of real property or
27 an interest in real property that was acquired through condemnation
28 within the previous ten years is no longer necessary for a
29 transportation purpose, the former owner has a right of repurchase as
30 described in this subsection. For the purposes of this subsection,
31 "former owner" means the person or entity from whom the authority
32 acquired title. At least ninety days prior to the date on which the
33 property is intended to be sold by the authority, the authority must
34 mail notice of the planned sale to the former owner of the property at

1 the former owner's last known address or to a forwarding address if
2 that owner has provided the authority with a forwarding address. If
3 the former owner of the property's last known address, or forwarding
4 address if a forwarding address has been provided, is no longer the
5 former owner of the property's address, the right of repurchase is
6 extinguished. If the former owner notifies the authority within
7 thirty days of the date of the notice that the former owner intends to
8 repurchase the property, the authority shall proceed with the sale of
9 the property to the former owner for fair market value and shall not
10 list the property for sale to other owners. If the former owner does
11 not provide timely written notice to the authority of the intent to
12 exercise a repurchase right, or if the sale to the former owner is not
13 completed within six months of the date of notice that the former
14 owner intends to repurchase the property, the right of repurchase is
15 extinguished;

16 ((+4)) (5) To fix rates, tolls, fares, and charges for the use of
17 such facilities and to establish various routes and classes of
18 service. Fares or charges may be adjusted or eliminated for any
19 distinguishable class of users."

20
21 Renumber the sections consecutively and correct any internal
22 references accordingly.

23
24 **ESHB 2716** - S AMD **289**

25 By Senator Tom

26
27 On page 1, line 2 of the title, after "47.12.063", insert "and
28 81.112.080"

EFFECT: Provides a right of first repurchase for surplus property
of a Regional Transit Authority.

--- END ---